

MINUTES
LANCASTER COUNTY BOARD OF COMMISSIONERS
TUESDAY, APRIL 12, 2005
COUNTY COMMISSIONERS HEARING ROOM, ROOM 112
FIRST FLOOR, COUNTY-CITY BUILDING
1:30 P.M.

Commissioners Present: Larry Hudkins, Chair
Deb Schorr, Vice Chair
Bernie Heier
Ray Stevens
Bob Workman

Others Present: Kerry Eagan, Chief Administrative Officer
Gwen Thorpe, Deputy Chief Administrative Officer
Kristy Mundt, Deputy County Attorney
Bruce Medcalf, County Clerk
Trish Owen, Chief Deputy County Clerk

The Board of Commissioners meeting was called to order at 1:30 p.m.

- 1) **MINUTES:** Approval of the minutes of the Board of Commissioners meeting held on Tuesday, April 5, 2005.

MOTION: Workman moved and Stevens seconded approval of the minutes of the Board of Commissioners meeting dated April 5, 2005. Schorr, Stevens, Workman and Hudkins voted aye. Heier abstained from voting. Motion carried.

- 2) **SPECIAL PRESENTATIONS:**

A. A resolution in the matter of declaring the week of April 11 through April 15, 2005 as Lancaster County Crime Victims' Rights Week (R-05-0035) - Kathy Stevenson, Joanna Svoboda, Pat Westendorf and Auxilli Massa with the Lincoln Police Department Victim Witness Unit

The Clerk read the resolution into the record.

MOTION: Stevens moved and Workman seconded approval of Resolution 05-0035 in the matter of declaring the week of April 11 through April 15, 2005 as Lancaster County Crime Victims' Rights Week. Workman, Schorr, Heier, Stevens and Hudkins voted aye. Motion carried.

B. The County-City Volunteer of the Month Award was presented to Harold Hamilton for his services with the Lancaster County Election Commissioner Office.

C. "Clean Your Files Week", April 18 through April 22, 2005 - Gene Hanlon, Recycling Coordinator

Gene Hanlon, Recycling Coordinator, appeared and gave an overview of the program. He also invited the commissioners to attend a celebration of the 35th Anniversary of Earth Day at Pioneers Park on Saturday, April 23, 2005.

MOTION: Workman moved and Stevens seconded to declare April 18 through April 22, 2005 as "Clean Your Files Week". Workman, Stevens, Schorr, Heier and Hudkins voted aye. Motion carried.

3) **PUBLIC COMMENT:**

There was no public comment and the meeting proceeded as planned.

4) **CLAIMS: Approval of all claims processed through Tuesday, April 12, 2005.**

MOTION: Schorr moved and Stevens seconded approval of all claims processed through Tuesday, April 12, 2005. Heier, Workman, Schorr, Stevens and Hudkins voted aye. Motion carried.

5) **PUBLIC HEARINGS:**

A. County Special Permit 05006, requested by Matt Steinhausen on behalf of Dr. Harley Batie, to identify the Krull House, located at 17800 S.W. 2nd Street, south of Martell Road, as a historic structure and to create a parcel accompanying the house of approximately ten acres for historic preservation.

The Chair opened the public hearing and asked if anyone wished to testify in favor of the special permit.

The oath was administered to Matt Steinhausen, applicant.

Steinhausen said he has been researching the house for more than four years and said the house, which was built in the 1860's by Frederick Krull, a German immigrant, is significant because it is one of the oldest homes in the county and was constructed entirely of limestone, with the exception of the roof.

5) **PUBLIC HEARINGS CONTINUED:**

Steinhausen went on to explain that the house, which is essentially unaltered from its original construction, is in poor condition but said he is confident it can be restored.

The Chair asked if anyone else wished to testify.

No one appeared and the hearing was closed.

B. County Final Plat 05007, Coupe DeVille Heights 1st Addition, requested by Brian D. Carstens and Associates on behalf of Richard E. and Melinda J. Coupe, for three outlots on property generally located north and west of the corner of Northwest 84th Street and West Bluff Road in Lancaster County, Nebraska.

The oath was administered to Brian Carstens of Brian D. Carstens & Associates.

Carstens said the intent is to subdivide an outlot into three outlots. Two of the outlots will be purchased by adjoining property owners for horses and open space.

Stevens noted that these will not be buildable lots.

The Chair asked if anyone else wished to testify.

No one appeared and the hearing was closed.

6) **NEW BUSINESS:**

**A. A resolution in the matter of County Special Permit 05006, requested by Matt Steinhausen, on behalf of Dr. Harley Batie, to identify the Krull House located at 17800 Southwest 2nd Street, south of Martell Road, as a historic structure and to create a parcel accompanying the house of approximately ten acres for historic preservation.
(R-05-0039)**

MOTION: Stevens moved and Schorr seconded approval of Resolution 05-0039 in the matter of County Special Permit 05006, requested by Matt Steinhausen, on behalf of Dr. Harley Batie, to identify the Krull House located at 17800 Southwest 2nd Street, south of Martell Road, as a historic structure and to create a parcel accompanying the house of approximately ten acres for historic preservation. Stevens, Workman, Heier, Schorr and Hudkins voted aye. Motion carried.

6) NEW BUSINESS CONTINUED:

B. A resolution in the matter of County Final Plat 05007, Coupe DeVille Heights 1st Addition, requested by Brian D. Carstens and Associates on behalf of Richard E. and Melinda J. Coupe, for three outlots on property generally located north and west of the corner of Northwest 84th Street and West Bluff Road in Lancaster County, Nebraska. (R-05-0040)

C. A subdivision agreement with Richard E. and Melinda J. Coupe for County Final Plat 05007, Coupe DeVille Heights 1st Addition, on property generally located north and west of the corner of Northwest 84th Street and West Bluff Road in Lancaster County, Nebraska. (C-05-0191)

MOTION: Stevens moved and Heier seconded approval of Resolution 05-0040 in the matter of County Final Plat 05007, Coupe DeVille Heights 1st Addition, requested by Brian D. Carstens and Associates on behalf of Richard E. and Melinda J. Coupe, for three outlots on property generally located north and west of the corner of Northwest 84th Street and West Bluff Road in Lancaster County, Nebraska and the subdivision agreement. Workman, Schorr, Stevens, Heier and Hudkins voted aye. Motion carried.

D. A resolution designating TierOne Bank as a depository for Lancaster County, Nebraska. (R-05-0045)

MOTION: Heier moved and Stevens seconded approval of Resolution 05-0045 designating TierOne Bank as a depository for Lancaster County, Nebraska. Stevens, Workman, Heier, Schorr and Hudkins voted aye. Motion carried.

E. A resolution regarding the proposed sale of County property generally located at 1929 North 57th Street, Lincoln, Lancaster County, Nebraska which includes declaring the property surplus, determination of fair market value and setting the sale date of the property for Thursday, May 19, 2005. (R-05-0042)

6) **NEW BUSINESS CONTINUED:**

MOTION: Stevens moved and Workman seconded approval of Resolution 05-0042 regarding the proposed sale of County property generally located at 1929 North 57th Street, Lincoln, Lancaster County, Nebraska which includes declaring the property surplus, determination of fair market value and setting the sale date of the property for Thursday, May 19, 2005. Schorr, Stevens, Heier, Workman and Hudkins voted aye. Motion carried.

F. An application for a Special Events Permit from the Kiwanis Club of Lincoln, Nebraska to hold a road rally fund raiser on Sunday, April 17, 2005 from 1 p.m. to 3 p.m.

Charles Humble, representing the applicant, appeared and said the Kiwanis Club agrees to the conditions set out by the County Sheriff and will make sure that participants in the road rally are apprised of those conditions.

MOTION: Stevens moved and Heier seconded approval of an application for a Special Events Permit from the Kiwanis Club of Lincoln, Nebraska to hold a road rally fund raiser on Sunday, April 17, 2005 from 1 p.m. to 3 p.m. Stevens, Heier, Workman and Hudkins voted aye. Schorr abstained from voting. Motion carried.

G. A contract with Hartmann Construction Company of Seward, Nebraska, for grading construction in relation to Project 05-31, Part 2, Section C. The work will be performed in the following areas: Old Cheney Road from approximately South 148th Street to South 190th Street. The County will pay \$254,279.16 for the services. The work will begin on May 16, 2005 and be completed within 60 working days. (C-05-192)

MOTION: Heier moved and Workman seconded approval of a contract with Hartmann Construction Company of Seward, Nebraska, for grading construction in relation to Project 05-31, Part 2, Section C. Schorr, Stevens, Heier, Workman and Hudkins voted aye. Motion carried.

H. A grant contract with the Board of Regents, University of Nebraska - Center on Children, Families and the Law to provide baseline data on key community indicators, examine comparative data with sister cities, and establish trend analysis to the Community Services Initiative project, in the amount of \$7,500. Term of the grant contract is January 1, 2005 through June 30, 2005. (C-05-0193)

6) **NEW BUSINESS CONTINUED:**

MOTION: Workman moved and Stevens seconded approval of a grant contract with the Board of Regents, University of Nebraska - Center on Children, Families and the Law to provide baseline data on key community indicators, examine comparative data with sister cities, and establish trend analysis to the Community Services Initiative project, in the amount of \$7,500. Workman, Schorr, Heier, Stevens and Hudkins voted aye. Motion carried.

- I. An agreement with Dr. Mathias I. Okoye for forensic pathology service as the coroner's physician. The services will be provided for the County through the County Attorney's Office. The services will include forensic autopsies, provision of a morgue facility and staff, coroner's call, testimony, additional tests and other services. Term of the agreement will be May 1, 2005 to April 30, 2006. The County will pay \$270,000 per year for the services and an additional fee of \$1,700 per autopsy for any autopsy over 135 for the contract year. (C-05-0203)**

The Clerk noted that the contract is held, at the request of the County Attorney's Office.

- J. Amendment of the 401(a) Lancaster County Employees Retirement Plan to provide for no mandatory distributions of employee accounts and certificate of resolution. (C-05-0200)**

MOTION: Stevens moved and Schorr seconded approval of amendment of the 401(a) Lancaster County Employees Retirement Plan to provide for no mandatory distributions of employee accounts and certificate of resolution. Schorr, Stevens, Workman, Heier and Hudkins voted aye. Motion carried.

- K. Amendment of the 457 Deferred Compensation Plan for the Lancaster County employees provided by Nationwide Retirement Solutions to provide for no mandatory distributions of employee accounts and certificate of resolution. (C-05-0201)**

6) **NEW BUSINESS CONTINUED:**

MOTION: Schorr moved and Stevens seconded approval of amendment of the 457 Deferred Compensation Plan for the Lancaster County employees provided by Nationwide Retirement Solutions to provide for no mandatory distributions of employee accounts and certificate of resolution. Workman, Schorr, Heier, Stevens and Hudkins voted aye. Motion carried.

L. Recommendation from the Purchasing Agent and the County Engineer to award a bid to Metal Culverts, Inc., in the amount of \$24,610.97, for culvert pipe. (B-05-0014)

MOTION: Workman moved and Stevens seconded to award a bid to Metal Culverts, Inc., in the amount of \$24,610.97, for culvert pipe. Heier, Workman, Stevens, Schorr and Hudkins voted aye. Motion carried.

M. Allowance Modification Number 2 for the construction of the Lancaster County vehicle storage facility, adding a lockset with a stand alone Sargent PINpad, amounting to \$513.75.

MOTION: Workman moved and Stevens seconded approval of Allowance Modification Number 2 for the construction of the Lancaster County vehicle storage facility, adding a lockset with a stand alone Sargent PINpad, amounting to \$513.75. Workman, Stevens, Schorr, Heier and Hudkins voted aye. Motion carried.

N. Authorization of Wells Fargo Bank, as trustee, to disburse and make payment from the Lancaster County Limited Tax Building 2004 Construction Fund to the following payees:

- ▶ Progressive Construction Company, in the amount of \$47,976.54, for the Sheriff's garage
- ▶ Cheever Construction Company, in the amount of \$68,798.70, for the old Attention Center rehabilitation for CenterPointe

Total payment request is \$116,775.24.

6) **NEW BUSINESS CONTINUED:**

MOTION: Workman moved and Stevens seconded to authorize Wells Fargo Bank, as trustee, to disburse and make payment from the Lancaster County Limited Tax Building 2004 Construction Fund to Progressive Construction Company, in the amount of \$47,976.54; and Cheever Construction Company, in the amount of \$68,798.70. Stevens, Heier, Workman, Schorr and Hudkins voted aye. Motion carried.

O. Request from the Lancaster County Personnel Policy Board to create a Facilities Manager classification with a proposed pay grade of \$44,570.24 to \$58,841.12.

MOTION: Schorr moved and Stevens seconded approval of a request from the Lancaster County Personnel Policy Board to create a Facilities Manager classification with a proposed pay grade of \$44,570.24 to \$58,841.12. Heier, Workman, Schorr, Stevens and Hudkins voted aye. Motion carried.

P. An exceptional circumstance award for Byron Hurder, Office Systems Specialist in the Sheriff's Office, from an E23, Step 2 to an E23, Step 4.

MOTION: Heier moved and Stevens seconded approval of an exceptional circumstance award for Byron Hurder, Office Systems Specialist in the Sheriff's Office, from an E23, Step 2 to an E23, Step 4. Heier, Workman, Stevens, Schorr and Hudkins voted aye. Motion carried.

Q. Request from Philip Waldron, on behalf of Pioneer 66, Inc., for a refund of personal property tax for 2002, in the approximate amount of \$69.86, for 2003, in the approximate amount of \$99.56, and for 2004, in the approximate amount of \$106.42.

Rob Ogden, Chief Field Deputy Assessor/Register of Deeds, appeared and said a seven-year, instead of a five-year, depreciation period was used.

MOTION: Workman moved and Stevens seconded approval of a request from Philip Waldron, on behalf of Pioneer 66, Inc., for a refund of personal property tax for 2002, in the approximate amount of \$69.86, for 2003, in the approximate amount of \$99.56, and for 2004, in the approximate amount of \$106.42. Schorr, Heier, Workman, Stevens and Hudkins voted aye. Motion carried.

7) **CONSENT ITEMS:** These are items of business that are routine which are expected to be adopted without dissent. Any individual item may be removed for special discussion and consideration by a Commissioner or by any member of the public without prior notice. Unless there is an exception, these items will be approved as one with a single vote of the Board of Commissioners. These items are approval of:

A. Receive and place on file:

1. County Assessor/Register of Deeds Monthly Report for March, 2005.
2. County Clerk's Monthly Report for March, 2005.
3. Lancaster Manor's Monthly Report.
4. Records and Information Management's Monthly Report for March, 2005.

B. Setting of a public hearing for Tuesday, April 26, 2005 at 1:30 p.m. in the County Commissioners Hearing Room, Room 112, on the first floor of the County-City Building regarding Comprehensive Plan Amendment 05002, by the Director of Planning, at the request of the Lincoln-Lancaster County Metropolitan Planning Organization (MPO), to amend the Mobility and Transportation element of the 2025 Lincoln-Lancaster County Comprehensive Plan, by upgrading existing U.S. Highway 77 to freeway standards from Interstate 80 to the planned South Beltway interchange south of Saltillo Road.

C. Setting of a public hearing for Tuesday, May 3, 2005 at 1:30 p.m. in the County Commissioners Hearing Room, Room 112, on the first floor of the County-City Building regarding an application for Corporate Manager from Kim McKay and a Class I (Bottle Club) liquor license for SKM Enterprises, Inc. d/b/a Castaways Bar & Grill on Branched Oak, located at 10005 West Davey Road, Raymond, Lancaster County, Nebraska.

D. A resolution approving County Change of Zone 05007, requested by Mark Palmer of Olsson Associates, on behalf of Lyle Mayer, on property generally located at the northeast corner of Southwest 84th Street and West Pioneers Boulevard, from Agricultural to Agricultural Residential. (R-05-0043)

7) CONSENT ITEMS CONTINUED:

- E. A resolution in the matter of County Special Permit 05004, requested by Mark Palmer of Olsson Associates, on behalf of Lyle Mayer, to create 57 residential acreage units (29 units in the County jurisdiction and 28 units in the City jurisdiction), on property generally located at the northeast corner of Southwest 84th Street and West Pioneers Boulevard in Lancaster County, Nebraska. (R-05-0041)

- F. A resolution in the matter of Preliminary Plat 05001, Meadow View 2nd Addition, requested by Mark Palmer of Olsson Associates, on behalf of Lyle Mayer, for 57 residential acreage units (29 units in the County jurisdiction and 28 units in the City jurisdiction), and associated waiver requests, on property generally located at the northeast corner of Southwest 84th Street and West Pioneers Boulevard in Lancaster County, Nebraska. (R-05-0044)

- G. Leasehold contracts relating to road improvements between the Lancaster County Engineering Department and Jeff Maahs, in the total amount of \$20, at South 162nd Street and Old Cheney Road; Project C55-Q-407(2). (2 contracts) (C-05-0194 and C-05-0195)

- H. Right-of-way contracts relating to road improvements between the Lancaster County Engineering Department and the following individuals:
 - ▶ Sharon K. Werner, in the amount of \$280, on Northwest 27th Street between West Alvo Road and Waverly Road; Project C55-F-415(3). (C-05-0196)
 - ▶ Jon P. and Barbara Carlson, in the amount of \$2,412.75, at 2905 West Denton Road; Project STPE-3305(9). (C-05-0197)
 - ▶ Joanne and Roger L. Fosler, in the total amount of \$3,421.40, on Northwest 27th Street between West Alvo Road and Waverly Road; Project C55-F-415(3). (2 contracts) (C-05-0198 and C-05-0199)

Kristy Mundt, Deputy County Attorney, appeared and asked that Items D, E and F be acted on separately.

MOTION: Workman moved and Schorr seconded approval of Items D, E and F. Heier, Stevens, Schorr, Workman and Hudkins voted aye. Motion carried.

7) **CONSENT ITEMS CONTINUED:**

MOTION: Heier moved and Stevens seconded approval of Items A, B, C, G and H. Stevens, Workman, Heier, Schorr and Hudkins voted aye. Motion carried.

8) **ADJOURNMENT:**

MOTION: Schorr moved and Stevens seconded adjournment of the Board of Commissioners meeting at 2:16 p.m. Workman, Schorr, Stevens, Heier and Hudkins voted aye. Motion carried.

Bruce Medcalf
County Clerk

**MINUTES
LANCASTER COUNTY BOARD OF EQUALIZATION
TUESDAY, APRIL 12, 2005
COUNTY COMMISSIONERS HEARING ROOM, ROOM 112
FIRST FLOOR, COUNTY-CITY BUILDING
IMMEDIATELY FOLLOWING THE REGULAR BOARD OF COMMISSIONERS
MEETING**

Commissioners Present: Larry Hudkins, Chair
Deb Schorr, Vice Chair
Bernie Heier
Ray Stevens
Bob Workman

Others Present: Rob Ogden, Chief Field Deputy Assessor/Register of Deeds
Kerry Eagan, Chief Administrative Officer
Gwen Thorpe, Deputy Chief Administrative Officer
Kristy Mundt, Deputy County Attorney
Bruce Medcalf, County Clerk
Trish Owen, Chief Deputy County Clerk

The Board of Equalization meeting was called to order at 2:16 p.m.

- 1) **MINUTES: Approval of the minutes of the Board of Equalization meeting held on Tuesday, April 5, 2005.**

MOTION: Workman moved and Stevens seconded approval of the minutes of the Board of Equalization meeting dated April 5, 2005. Schorr, Stevens, Workman and Hudkins voted aye. Heier abstained from voting.
Motion carried.

- 2) **PUBLIC COMMENT:**

There was no public comment and the meeting proceeded as planned.

- 3) **ADDITIONS AND DEDUCTIONS:**

Approval of 18 additions and deductions to the tax assessment rolls per Exhibit A.

MOTION: Stevens moved and Heier seconded approval of the additions and deductions to the tax assessment rolls. Heier, Workman, Stevens, Schorr and Hudkins voted aye. Motion carried

4) **MOTOR VEHICLE TAX EXEMPTIONS:**

Capitol City Christian Church
Nebraska Conference of the United Church of Christ
School Sisters of Christ the King

MOTION: Workman moved and Heier seconded approval of the motor vehicle tax exemptions. Workman, Stevens, Schorr, Heier and Hudkins voted aye. Motion carried.

5) **ADJOURNMENT:**

MOTION: Schorr moved and Stevens seconded adjournment of the Board of Equalization meeting at 2:18 p.m. Stevens, Heier, Workman, Schorr and Hudkins voted aye. Motion carried.

Bruce Medcalf
County Clerk